

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

MARVIN R. V.,

Petitioner,

v.

JOHN TSOUKARIS, et al.,

Respondents.

Civil Action No. 20-5225 (CCC)

ORDER

CECCHI, District Judge.

This matter having come before the Court on the petition for a writ of habeas corpus filed by Petitioner Marvin R. V., brought pursuant to 28 U.S.C. § 2241 challenging his ongoing immigration detention (ECF No. 1), Petitioner having paid the applicable filing fee, and the Court having reviewed the petition,

IT IS on this 5th day of May, 2020,

ORDERED that in accordance with Rule 4 of the Rules Governing Section 2254 Cases, applicable to Section 2241 through Rule 1(b), this Court has examined the Petition and determined that dismissal prior to submission of an answer and the record is not warranted; and it is further

ORDERED that Respondents Barr, Albence, Tsoukaris, and Wolf are dismissed with prejudice as the sole proper respondent in a petition brought under 28 U.S.C. § 2241 is the warden of the facility where the detainee is currently being held, in this case remaining Respondents Anderson and Cirillo (hereafter, “Respondents”). *See Rumsfeld v. Padilla*, 542 U.S. 426, 436 (2004); *Yi v. Maugans*, 24 F.3d 500, 507 (3d Cir. 1994); and it is further

ORDERED that the Clerk of the Court shall serve copies of the Petition (ECF No. 1), and this Order, upon Respondents by regular mail, with all costs of service advanced by the United States; and it is further

ORDERED that the Clerk of the Court shall forward a copy of the Petition, and this Order, to Chief, Civil Division, United States Attorney's Office, at the following email address: USANJ-HabeasCases@usdoj.gov; and it is further

ORDERED that, within ten (10) days after the date of entry of this Order, Respondents shall electronically file a full and complete answer to said Petition, which responds to the factual and legal allegations of the Petition paragraph by paragraph; and it is further

ORDERED that the answer shall state the statutory authority for Petitioner's detention. *See* 28 U.S.C. § 2243; and it is further

ORDERED that Respondents shall raise by way of the answer any appropriate defenses which Respondents wish to have the Court consider, including, but not limited to, exhaustion of administrative remedies, and also including, with respect to the asserted defenses, relevant legal arguments with citations to appropriate legal authority; and it is further

ORDERED that Respondents shall electronically file with the answer certified copies of the administrative record and all other documents relevant to Petitioner's claims; and it is further

ORDERED that all exhibits to the Answer must be identified by a descriptive name in the electronic filing entry, for example:

“Exhibit #1 Transcript of [type of proceeding] held on XX/XX/XXXX” or

Exhibit #2 Opinion entered on XX/XX/XXXX by Judge YYYY”; and it is further

ORDERED that Petitioner may file and serve a reply in support of the Petition within seven (7) days after the answer is filed; and it is further

ORDERED that, within seven (7) days after any change in Petitioner's custody or immigration status, be it release, a final order of removal, or otherwise, Respondents shall electronically file a written notice of the same with the Clerk of the Court; and it is finally

ORDERED that the Clerk of the Court shall serve a copy of this Order upon Petitioner electronically.

SO ORDERED.


Claire C. Cecchi, U.S.D.J.